

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

UNITED STATES OF AMERICA :
 :
 v. : Case No. 1:08-cr-00029-jgm-1
 :
 MALIK CRAWFORD-BEY :
 _____ :

RULING ON PETITIONER'S
MOTION FOR RECONSIDERATION AND UNTIMELY OBJECTIONS
(Docs. 145, 147)

Before this Court are Petitioner Malik Crawford Bey's Motion for Reconsideration (Doc. 145) and untimely objections (Doc. 147) to the Magistrate Judge's Report and Recommendation ("R&R") (Doc. 136), which recommended denying Crawford-Bey's motion to vacate his sentence under 28 U.S.C. § 2255 (Doc. 123). The R&R was issued on March 27, 2013. (Doc. 136.) The Court sent a copy of the R&R to Crawford-Bey the day it was issued. One month after the deadline to file objections had passed (and no objections were filed), the Court issued its Order adopting the R&R on May 15, 2013. (Doc. 137.) This Order was returned as undeliverable as to Crawford-Bey. See Doc. 138. In a motion filed September 16, 2013, Crawford-Bey argued the R&R had not been delivered and he therefore was prevented from filing a timely objection or motion to reconsider. (Doc. 141.) On October 23, 2013, the Court allowed him the opportunity to file an untimely objection to the R&R or, alternatively, an untimely motion to reconsider the Court's Order adopting it. (Doc. 144.) Crawford-Bey filed a Motion for Reconsideration on November 26, 2013 and requested leave to file objections. (Doc. 145.) The Court granted Crawford-Bey an extension to file untimely objections. (Doc. 146.)

Accordingly, Crawford-Bey has now had a full opportunity to object to the R&R and file a Motion for Reconsideration. In its discretion, the Court GRANTS the Motion for Reconsideration. See In re Solv-Ex Corp. Sec. Litig., 198 F. Supp. 2d 587, 589 (S.D.N.Y. 2002). Upon

reconsideration of its Order adopting the R&R -- taking into account Crawford-Bey's February 7, 2014 objections (Doc. 147) -- the Court AFFIRMS its prior ruling. Crawford-Bey's objections merely restate his contention that he was unable to object to the R&R because he never received it. (Doc. 147 at 1.) He also requests that the Court rescind all of its previous orders related to his § 2255 "and consider a liberal review" of his claims. *Id.* at 2. After de novo review, the Court finds the objections to be without merit. See Fed. R. Civ. P. 72(b)(3); 28 U.S.C. § 636(b) (requiring district court to determine de novo any part of the magistrate judge's disposition for which objections have been properly made).

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 5th day of May, 2014.

/s/ J. Garvan Murtha
Honorable J. Garvan Murtha
United States District Judge